

The Honorable Thomas S. Zilly

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FAN WANG, and HANG GAO

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,
Defendants.

Case No. 21-861 TSZ

**STIPULATION REGARDING
WAIVER OF SERVICE BY
UNDERWRITER DEFENDANTS
AND LEEN KAWAS, PH.D.,
REGARDING CIVIL ACTION
NO. 21-864, AND ORDER**

HARSHDEEP JAWANDHA,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,
Defendants.

Case No. 21-862

TIMOTHY SLYNE and TAI SLYNE,

Plaintiffs,

v.

ATHIRA PHARMA, INC, et al.,
Defendants.

Case No. 21-864

Stipulation Regarding Waiver of Service
and Order, No. 21-861 TSZ - 1

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

I. STIPULATION

Plaintiffs Timothy Slyne and Tai Slyne (collectively the “Slyne Plaintiffs”), defendants Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Incorporated, and JMP Securities LLC (collectively the “Underwriter Defendants”), and defendant Leen Kawas, Ph.D. (“Dr. Kawas”), by and through their respective undersigned attorneys, and subject to the Court’s approval, hereby agree and stipulate as follows:

1. WHEREAS, on June 25, 2021 the Slyne Plaintiffs, individually and putatively on behalf of all others similarly situated, initiated a lawsuit against Athira Pharma, Inc., Glenna Milesen, Tadataka Yamada, M.D., John M. Fluke, Jr., James A. Johnson, Joseph Edelman, Dr. Kawas, and the Underwriter Defendants, by filing a document titled “Complaint—Class Action for Violation of Sections 11 and 15 of the Securities Act of 1933” in *Slyne et al. v. Athira Pharma, Inc., et al.*, 2:21-cv-00864-JLR (W.D. Wash.) (the “Slyne Action”).

2. WHEREAS, on June 25, 2021, two additional purported class action complaints raising issues of law and fact in common with those in the complaint in the *Slyne* Action were filed in this Court by plaintiffs Fan Wang and Hang Gao in *Wang et al. v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00861-TSZ (W.D. Wash.) (the “Wang Action”); and by plaintiff Harshdeep Jawandha, in *Jawandha v. Athira Pharma, Inc., et al.*, Case No. 2:21-cv-00862-JCC (W.D. Wash.) (the “Jawandha Action”).

3. WHEREAS, on July 30, 2021, the Slyne Plaintiffs, through their counsel, asked counsel for Dr. Kawas and the Underwriter Defendants whether their clients would agree to waive service of a summons and the complaint in the *Slyne* Action.

4. WHEREAS, on August 5, 2021, the parties in the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action filed a stipulated motion seeking to consolidate the three lawsuits. *See* Docket No. 14 in the *Wang* Action.

1 5. WHEREAS, on August 9, 2021, the Court entered a Minute Order
2 consolidating the *Slyne* Action, the *Wang* Action, and the *Jawandha* Action (the
3 “Consolidated Action”) for all purposes and ordering that all further pleadings and papers
4 shall be filed in the Wang Action. Docket No. 15 in the *Wang* Action (the “Consolidation
5 Order”).

6 6. WHEREAS, in the Consolidation Order, the Court stated as follows:

7 The pretrial deadlines set in Case No. C21-861 TSZ [the Wang Action], *see*
8 docket nos. 4 & 12, shall control. Within fourteen (14) days of the Court's
9 Order for the appointment of Lead Plaintiff and approval of Lead Counsel
10 pursuant to the PSLRA, the Lead Plaintiff and Defendants shall meet and
11 confer and submit a schedule for the filing of a consolidated complaint or
designation of an operative complaint, and a briefing schedule for
Defendants' anticipated motion(s) to dismiss.

12 Docket No. 15 at p. 2.

13 7. WHEREAS, Dr. Kawas and the Underwriter Defendants each agreed to
14 waive service of a summons and the complaint in the *Slyne* Action and each executed
15 service waivers, copies of which were filed in the Consolidated Action immediately before
16 this Stipulation was filed. *See* Docket Nos. 24–28 (the “Service Waivers”).

17 8. WHEREAS, the *Slyne* Plaintiffs understand and agree that, notwithstanding
18 anything to the contrary provided in the Service Waivers, Dr. Kawas and the Underwriter
19 Defendants shall have no separate obligation or duty to answer or otherwise respond to the
20 extant complaint filed in the *Slyne* Action.

21 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
22 among the *Slyne* Plaintiffs, Dr. Kawas, and the Underwriter Defendants, and subject to the
23 Court’s approval, as follows:

24 1. Dr. Kawas and the Underwriter Defendants waive service of a summons and
25 the Complaint in the *Slyne* Action as set forth in the Service Waivers.

2. Dr. Kawas's and the Underwriter Defendants' obligation to answer or otherwise respond to the operative complaint in the Consolidated Action, once it has been filed or designated by Lead Plaintiff, is governed by the Consolidated Order.

3. Notwithstanding anything to the contrary in the Service Waivers, Dr. Kawas and the Underwriter Defendants shall have no obligation to answer or otherwise respond to the extant complaint in the *Slyne* Action.

Dated: August 19, 2021 SO STIPULATED,

s/ Sean C. Knowles

Sean C. Knowles, WSBA #39893
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-6224
sknowles@perkinscoie.com

Counsel for Leen Kawas Ph.D.

s/ Anthony Todaro

Anthony Todaro, WSBA #30391
Lianna Bash, WSBA # 52598
DLA PIPER LLP
701 Fifth Avenue Suite 6900
Seattle, Washington 98104
Telephone: (206) 839-4800
anthony.todaro@dlapiper.com
lianna.bash@dlapiper.com

John J. Clarke, Jr., *admitted pro hac vice*
DLA PIPER LLP
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 335-4500

Stipulation Regarding Waiver of Service
and Order, No. 21-861 TSZ - 4

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

john.clarke@dlapiper.com

***Counsel for Defendants Goldman Sachs & Co.
LLC, Jefferies LLC, Stifel, Nicolaus &
Company, Incorporated and JMP Securities
LLC***

s/ Eric R. Laliberte

Juli E. Farris, WSBA 17593
Eric R. Laliberte, WSBA 44840
KELLER ROHRBACK L.L.P.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101
Telephone: (206) 623-1900
jfarris@kellerrohrback.com
elaliberte@kellerrohrback.com

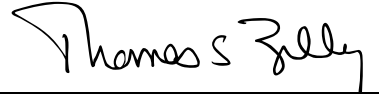
Howard T. Longman NJBA 264882018
Admitted Pro Hac Vice
LONGMAN LAW, P.C.
354 Eisenhower Pkwy., Suite 1800
Livingston, New Jersey 07039
Telephone: (973) 994-2315
hlongman@longman.law

***Attorneys for Plaintiffs Timothy Slyne and
Tai Slyne***

II. ORDER

Pursuant to the above Stipulation, docket no. 29, **IT IS SO ORDERED.**

Dated this 24th day of August, 2021.



Thomas S. Zilly
United States District Judge

Presented by:

s/ Sean C. Knowles

Sean C. Knowles, WSBA #39893
PERKINS COIE LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone: (206) 359-6224
sknowles@perkinscoie.com

Counsel for Leen Kawas Ph.D.

s/ Anthony Todaro

Anthony Todaro, WSBA #30391
Lianna Bash, WSBA # 52598
DLA PIPER LLP
701 Fifth Avenue Suite 6900
Seattle, Washington 98104
Telephone: (206) 839-4800
anthony.todaro@dlapiper.com
lianna.bash@dlapiper.com

John J. Clarke, Jr., *admitted pro hac vice*
DLA PIPER LLP
1251 Avenue of the Americas
New York, NY 10020
Telephone: (212) 335-4500
john.clarke@dlapiper.com

***Counsel for Defendants Goldman
Sachs & Co. LLC, Jefferies LLC,***

Stipulation Regarding Waiver of Service
and Order, No. 21-861 TSZ - 6

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384

1 ***Stifel, Nicolaus & Company,***
2 ***Incorporated and JMP Securities LLC***

3
4 *s/ Eric R. Laliberte*

5 Juli E. Farris, WSBA 17593
6 Eric R. Laliberte, WSBA 44840
7 KELLER ROHRBACK L.L.P.
8 1201 Third Avenue, Suite 3200
9 Seattle, Washington 98101
Telephone: (206) 623-1900
jfarris@kellerrohrback.com
elaliberte@kellerrohrback.com

10 Howard T. Longman NJBA 264882018
11 *Admitted Pro Hac Vice*
12 LONGMAN LAW, P.C.
13 354 Eisenhower Pkwy., Suite 1800
14 Livingston, New Jersey 07039
Telephone: (973) 994-2315
hlongman@longman.law

15 ***Attorneys for Plaintiffs Timothy Slyne and***
16 ***Tai Slyne***

17
18
19
20
21
22
23
24
25
26

Stipulation Regarding Waiver of Service
and Order, No. 21-861 TSZ - 7

KELLER ROHRBACK L.L.P.

1201 Third Avenue, Suite 3200
Seattle, WA 98101-3052
TELEPHONE: (206) 623-1900
FACSIMILE: (206) 623-3384